

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of NICOLETTE GRABOSKY-KUHN and U.S. POSTAL SERVICE,  
U.S. POSTAL SERVICE, Youngstown, OH

*Docket No. 01-987; Submitted on the Record;*  
*Issued May 15, 2002*

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DECISION and ORDER

Before COLLEEN DUFFY KIKO, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant met her burden of proof to establish that she suffered a consequential neck injury resulting from a herniated cervical disc.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office of Workers' Compensation Programs dated and finalized on February 7, 2001 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.<sup>1</sup>

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<sup>1</sup> The Board notes on appeal that appellant's representative raised the issue of the hearing representative accepting evidence and comments from the employing establishment after the hearing. The Board notes that 20 C.F.R. § 10.617(e) provides for the employing establishment to provide comments or additional material. Appellant also received a copy of this material simultaneously with the hearing representative. The Board further notes that the additional evidence appellant objected to was in the file prior to the employing establishment's submission.

The decision of the Office of Workers' Compensation Programs dated and finalized February 7, 2001 is affirmed.

Dated, Washington, DC  
May 15, 2002

Colleen Duffy Kiko  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member